

## Message Text

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FM SECSTATE WASHDC  
TO AMEMBASSY BRASILIA  
AMCONSUL SAO PAULO

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FOR AMBASSADOR RICHARDSON

E.O. 11652:N/A

TAGS: PLOS

SUBJECT: LOS - SEABED MINING

FOLLOWING EDITORIAL APPEARED IN JULY 19 WASHINGTON POST  
UNDER THE HEADING: "AMERICAN SEABED MINING":

QUOTE:

FOR YEARS AMERICAN NEGOTIATORS WARNED THAT CONGRESS WOULD ONLY FOUL UP THE LAW OF THE SEA TALKS IF IT WENT AHEAD ON ITS OWN WITH LEGISLATION TO LICENSE DEEP-SEABED MINING BY AMERICAN FIRMS. BUT THE LOS CONFERENCE, WHILE MAKING HEADWAY ON OTHER OCEAN ISSUES, HAS COME UP DRY ON SEABED MINING: LAND-BASED PRODUCERS OF THE MINERALS FOUND UNDER THE OCEANS HAVE SOUGHT TO RESTRICT COMPETITION, AND THIRD WORLDERS HAVE DEMANDED AN UNACCEPTABLY LARGE SHARE OF THE RIGHTS, REVENUES AND TECHNOLOGY OF SEABED MINING, AN ACTIVITY THAT FEW

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COUNTRIES ARE CURRENTLY IN A POSITION TO CONDUCT.

THE RESULT IS THAT, WITH THE LOS CONFERENCE LAGGING AND THE AMERICAN COMPANIES (AND CONSORTIA) ITCHING TO GO, THE ADMINISTRATION NOW SUPPORTS LEGISLATION. FAR FROM FEARING THAT THIS WILL UPSET THE LOS TALKS, IT NOW FEELS THAT THE SORT OF LAW LIKELY TO EMERGE WILL CONCENTRATE THE CONFEREES'

ATTENTION AND HELP THE TALKS ALONG. FROM WHAT WE UNDER-  
STAND OF THE TWO PROCESSES (LEGISLATIVE AND DIPLOMATIC),  
WE AGREE.

THE HOUSE BILL, ALREADY WORKED OVER BY FOUR COMMITTEES IS  
DUE TO COME TO THE FLOOR THIS WEEK. A TOUGH TURF FIGHT  
LOOMS OVER WHICH AGENCY, AND THEREFORE WHICH COMMITTEE  
(MERCHANT MARINE OR INTERIOR), SHOULD REGULATE OCEAN MIN-  
ING; ON THAT QUESTION WE PASS. THERE ARE A FEW OTHER  
POINTS STILL IN CONTENTION. BUT MOST POINTS REPRESENT  
A HOUSE CONSENSUS, ONE LARGELY SHARED BY THE ADMINISTRATION.

INDEED, BY AGREEING THAT LEGISLATION WAS APPROPRIATE, THE  
ADMINISTRATION GOT TO HELP SHAPE IT. THAT MEANT REMOVING  
FROM EARLY DRAFTS AN UNCONSCIONABLE INVESTMENT GUARANTEE  
OF UP TO DOLS 350 MILLION PER COMPANY IF THE LOSS WAS DUE  
TO RATIFICATION OF AN UNFAVORABLE LOS TREATY. THE ADMINI-  
STRATION ALSO LOBBIED SUCCESSFULLY TO HAVE THE LAW SET UP,  
FROM THE COMPANIES' SEABED PROCEEDS, A FUND FOR THE INTER-  
NATIONAL COMMUNITY--A BOW TO THE CONCEPT THAT THE SEABED  
IS THE "COMMON HERITAGE" OF MANKIND.

SOME LOS BUFFS SEE A TREATY PRINCIPALLY AS A VEHICLE AND  
MODEL OF INTERNATIONAL COOPERATION. BELIEVING THAT ANY  
NATIONALLY AUTHORIZED SEABED MINING IS HARMFUL, THEY WOULD  
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PUT OFF ALL MINING UNTIL THE WORLD AGREES ON HOW IT SHOULD  
BE DONE.

BUT THAT GOES TOO FAR. EXPERTS AGREE THAT EXISTING INTER-  
NATIONAL LAW GOVERNING THE HIGH SEAS ASSURES AMERICAN FIRMS  
A RIGHT OF ACCESS TO THE SEABED. THE HOUSE LEGISLATION  
WOULD NOT CONFER SOVEREIGNTY ON AMERICAN-MINED SITES. IT  
WOULD BE SUPERSEDED BY A LOS TREATY. IT PROVIDES FOR REVE-  
NUE SHARING WITH NON-MINING STATES. IT SETS UP USEFUL  
ENVIRONMENTAL AND CONSERVATION CONTROLS.

THE LOS TALKS, CURRENTLY IN RECESS, RESUME IN NEW YORK ON  
AUG. 21. THE HOUSE WILL PROBABLY HAVE ACTED BY THAT TIME,  
AND THE SENATE WILL BE GEARING UP. SOME HARSH WORDS WILL  
DOUBTLESS BE SAID IN NEW YORK ABOUT THE CONGRESS. BUT THE  
INTERNATIONAL COMMUNITY SHOULD KEEP IN MIND THAT THE LEGIS-  
LATION, WHILE ASSERTING AN AMERICAN INTEREST, HAS BEEN  
DESIGNED TO PRESERVE AN INTERNATIONAL INTEREST, TOO. IT IS,  
MOREOVER, PROBABLY THE MINIMAL PRICE THAT MUST BE PAID TO  
ENSURE RATIFICATION OF AN EVENTUAL LOS TREATY.

END QUOTE

CHRISTOPHER

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## Message Attributes

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